

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on March 23, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

James R. Boyd
J. Everette Fauber, III
Michael F. LeMay

Land Surveyors

Nancy E. McIntyre
W. R. Stephenson, Jr.

Landscape Architects

Vaughn B. Rinner
Andrew M. Scherzer

Professional Engineers

Nico De León
Stanley C. Harris, Sr.
Wiley V. Johnson, III

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Board member John McAden was not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director for Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Program Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Ms. McIntyre, Chair, called the meeting to order at 9:05 a.m.

Ms. McIntyre advised the Board of the emergency evacuation procedures.

Call to Order

**Emergency
Evacuation
Procedures**

Mr. Harris moved to approve the agenda as amended. Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

Approval of Agenda

Mr. LeMay moved to approve the minutes for the following meetings:

Approval of Minutes

- December 16, 2009, APELSCIDLA Board Meeting;
- December 16, 2009, Regulatory Review Committee;
- February 3, 2010, Regulatory Review Committee;
- February 16, 2010, Professional Engineers Section Meeting; and
- March 10, 2010, Professional Engineers Section Meeting

Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

Ms. Nosbisch introduced Justin Garofalo, APELSCIDLA's new Board Administrator.

Introduction of New Staff

Mr. DeBoer took the opportunity to introduce Heather Martin, board member of the Board for Professional and Occupational Regulation (BPOR). Ms. Martin is the APELSCIDLA board liaison from the BPOR.

Ms. Nosbisch acknowledged National Engineers Week, February 14-20, National Surveying Week, March 21-27, National Architecture Week, April 12-18 and Landscape Architecture Month, the month of April. Ms. Nosbisch designated the day APELSCIDLA Certified Interior Designer Day, as they do not have a nationally recognized day.

Recognition of Professional Days, Weeks, Month

There were no comments made to the Board.

Public Comment Period

Mr. Malcolm Kerley, VDOT Chief Engineer and Mr. Ken Walus, VDOT State Structure and Bridge Engineer, were present to address the Board regarding VDOT's requirements for signing and sealing of plans.

VDOT – Malcolm Kerley, Chief Engineer – Requirements of Signing/Sealing of Plans

Mr. Kerley offered clarification on the VDOT document which lists items that require the stamp/seal of a PE, and that it was implemented to comply with the board's regulations.

Ms. Rinner stated that VDOT may need to reconsider stormwater drainage issues; Mr. Kerley said that he would investigate further. Ms. McIntyre suggested each Section review the document and make recommendations to Mr. Kerley.

Regarding **File Number 2010-01540, David Eugene McFarren**, the Board members reviewed the Consent Order as seen and agreed to by Mr. McFarren. Mr. Johnson moved to accept the Consent Order which cites the following violation: 18VAC10-20-750.B (Count 1). For this violation, Mr. McFarren agrees to pay the following monetary penalties: \$150.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$300.00. In addition, Mr. McFarren agrees to a one (1) year probation of his license as of the effective date of this Order. The probation is to run concurrent with the probation term outlined in the Final

File Number 2010-01540, David Eugene McFarren

Order entered by the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors.

Mr. De León seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Johnson, LeMay, Rinner, Scherzer, Stephenson, and Stiles. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

Discussion was held on the ownership information that the board receives with business Agreements for Registration, and whether it meets statutory requirements.

**Agreement for
Registration 2010-05,
Henson Design, Inc.**

After reviewing the application and Agreement for Registration, Mr. Fauber moved to accept the Agreement for Registration as seen and agreed to by Henson Design, Inc., with the stipulation that the motion authorizes further investigation of business ownership, but does not require it. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

After reviewing the application and Agreement for Registration, Mr. Stephenson moved to accept the Agreement for Registration as seen and agreed to by EMC Engineers. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**Agreement for
Registration 2010-06,
EMC Engineers**

Ms. Brooks informed the Board that this agreement was a change of status, as they have a new person in responsible charge. After reviewing the application and Agreement for Registration, Mr. Harris moved to accept the Agreement for Registration as seen and agreed to by ECS Mid-Atlantic, LLC. Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. Mr. Fauber abstained from voting.

**Agreement for
Registration 2010-07,
ECS Mid-Atlantic,
LLC**

Mr. Willcox Dunn, counsel for Baskervill & Son, was present to answer any questions the board may have regarding the agreement. After reviewing the application and Agreement for Registration, Mr. Harris moved to accept the Agreement for Registration as seen and agreed to by Baskervill & Son, PC. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**Agreement for
Registration 2010-08,
Baskervill & Son, PC**

Ms. Nosbisch stated that the guidelines document was provided for the Professional Engineers and Land Surveyors to review. NCEES has asked board members to review and submit comments prior to the Zone meeting in April.

**NCEES Zone
Meeting &
Continuity
Guidelines**

Ms. Nosbisch informed the board that the PCS exam services RFP was due to expire this year, however the contract could be extended to 2011. Mr. Harris moved to extend the contract. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**APELSCIDLA Exam
Services RFP**

Ms. Nosbisch informed the board that there had been an inquiry as to the length of time signed/sealed plans should be retained. Ms. Nosbisch stated that the regulations are silent on the matter. Discussion was held with the board agreeing that this was a business decision, most often determined with legal counsel.

**Length of Time to
Retain Signed/Sealed
Plans**

The Board recessed from 10:15 a.m. until 10:25 a.m.

Recess

Ms. Nosbisch gave a presentation on Continuing Education.

**Continuing
Education Overview**

Ms. Nosbisch informed the board that she had received an email from a licensee who is deployed, inquiring about the CE requirements. Discussion was held on waivers for continuing education in cases of military deployment, undue hardship and illness. Ms. Stiles moved to waive the CE requirements while on military deployment. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**Board Policy on
Waivers for
Continuing
Education**

With regards to undue hardship or illness, Mr. Jack stated that pursuant to §54.1-404.2, the board may reduce or waive CE hours on case by case basis, therefore no motion was needed.

The board was provided an excerpt from the December 17, 1999, APELSCIDLA Board meeting pertaining to the policy on regulant violations in other states. Ms. Nosbisch informed the board this was for informational purposes.

**Board Policy on
Violations in Other
States**

“Mr. Guffey, Deputy Director of Enforcement, spoke to the Board regarding its policy on violations in other states. Currently, once the Board is notified that one of its licensees has been found in violation of regulations by a licensing board of another state, the Enforcement Division will open an investigation if the conduct in the other state would violate a regulation of the Board. In situations where the licensee has been disciplined in another state and the disciplinary action involves a fine, reprimand, warning or suspension of 60 days or less, the Enforcement Division will close the investigation administratively, flag the licensing file, and notify the regulant. Any other complaints will be investigated and adjudicated if necessary.”

Ms. Nosbisch gave a brief update on the 2010 General Assembly. She informed the board that DPOR had 65 bills presented during the assembly, with several affecting APELSCIDLA professions.

General Assembly Update

HB 634 – The bill adds a new exemption for licensure requirements for PEs. The bill would allow licensed Onsite Soil Evaluators to design certain onsite sewage systems. The bill failed to pass.

HB 1265 – a technical bill that adds Interior Designers to the list of APELSCIDLA regulants in the SCC statute governing professional corporations' boards of directors.

HB 596-this bill establishes an "emeritus status" for retired architects, professional engineers, land surveyors and landscape architects.

SB 0474 – this bill grants the ability to issue 45-day temporary licenses, provided a 'permanent' application is submitted.

Mr. Johnson, Committee Chair, gave a brief update on the review process. He stated that the committee is currently working through the regulation sections that pertain to all of the professions. The Committee will then review the recommended changes to the sections related to the individual professions.

Regulatory Review Update

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

Comprehensive Report of CID Activity

The Board members were provided with financial statements from January 2010 for informational purposes.

Review of Board Financial Statements

Ms. Nosbisch informed the board that she had received correspondence from Greenman-Pederson, Inc., an engineering firm in Maryland notifying the board that three of their PE's, licensed in Virginia, had stolen/lost stamps: William Sherwin, Pierre Sabourin and George Lewis Brode

Other Business

Ms. Nosbisch reported that statistics from online renewals show that PEs had the highest percentage rate for any profession for renewing online.

Ms. Nosbisch informed the board that she had received correspondence from McCandlish Lilliard, legal counsel representing Dewberry & Davis, a Virginia based company that offers engineering, architectural, land surveying, landscape architecture and interior design services. The letter was to inform the board that Dewberry & Davis holds the trademark of the name 'Dimensions' for a newsletter covering topics of their services, the same name that the board newsletter uses. Dewberry & Davis does not object to the Board's use of the name, as the newsletter clearly states the name of the board, the agency and contains the state seal.

Conflict of Interest forms were completed by all members present.

Conflict of Interest

Forms

There being no further business, the meeting was adjourned at 11:45 a.m.

Adjourn

Nancy E. McIntyre, Chair

Jay W. DeBoer, Secretary